

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION</p> <p>This document relates to:</p> <p>Plaintiff: <u>Penny Tucker</u></p> <p>Civil Action No. <u>3:17-cv-13247</u></p>	<p style="text-align: center;">MDL NO. 2738</p> <p style="text-align: center;">Judge Freda L. Wolfson</p>
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**NOTICE BY THE ABOVE REFERENCED PLAINTIFF
OF REVOCATION OF AUTOMATIC WAIVER OF *LEXECON* RIGHTS**

Plaintiff Penny Tucker, has been selected for inclusion in the "Selected Case" group as that term has been defined by the Court in its Order entered on May 15, 2020 (ECF 13317) ("Order"), and after that selection, was then selected as a "Discovery Pool" case as that term is defined by the Order.

Pursuant to the Paragraph 3 of the Order, each Plaintiff in the Selected Case group is deemed to waive that Plaintiffs rights under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), if that Plaintiff becomes one of the Discovery Pool Cases as defined in the Order, unless the Plaintiff files a statement with the Court stating that the Plaintiff does not wish to waive their *Lexecon* rights, within thirty (30) days from the date of selection as a Discovery Pool Case. The Order further provides that if the case is not selected as a Discovery Pool Case, the waiver will be deemed null and void.

In that Plaintiff has been selected as a Discovery Pool case, thereby causing an automatic waiver of Plaintiffs *Lexecon* rights subject to revocation, Plaintiff has elected to revoke the automatic waiver of Plaintiffs rights under *Lexecon* pursuant to the right to do so under the terms

of the Court's Order.

Plaintiff understands that by this revocation of the automatic waiver of *Lexecon* that the Order provided for, Plaintiff's case shall be removed from the Discovery Pool of cases, that discovery in the case will be stayed and that the case will not be eligible to be tried as a bellwether case in this MDL proceeding.

Dated: Tuesday, October 13, 2020

Respectfully Submitted,

/s/ Tayjes M. Shah

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed electronically on the court's ECF system and is available for viewing and downloading from the ECF system. All counsel of record listed on the Court's CM/ECF system are to be served by the Court via Notice of Electronic Filing (NEF).

By: Tayjes M. Shah